

May 2, 2012  
Regular Session

The Bellevue City Council met in regular session on May 2, 2012 at 6:30 p.m. in the Council Chambers with Mayor Christopher J. Roling presiding. The Pledge of Allegiance was recited by all present. The roll was called as follows:

**PRESENT:** Councilmembers Darla Lawson, Dan Blitgen, Gary Feuerbach, Allen Ernst and Tim Roth. Also present were City Administrator Loras Herrig, Officer Ryan Kloft, Ron Johnston, Adam Gleicher, Naomi Kueter, Ralph Baker and Jan Galasti

**ABSENT:** None

### **APPROVAL OF AGENDA**

Mayor Roling reviewed the Agenda and declared it approved with the addition of:

Park Issues

### **SAFETY ISSUE**

Ron Johnston lives in the Kurth Addition south of the City limits. Mr. Johnston has what he feels are bullet holes that were fired at his home. He wanted the Council to be informed and to take action against domestic terrorism. As this was not on the Agenda to take action, the Council determined they would have to wait until the next meeting.

### **STUDENTS FIRST**

Adam Gleicher was present to inform the Council about Students First, a National Organization to transform public education.

### **CONSENT AGENDA**

Feuerbach moved with a second by Lawson to approve the Consent Agenda. Motion carried unanimously.

- A. Approve minutes of April 18, 2012 Regular Session and April 25, 2012 Special Session
- B. Approve New 12 Month Class BW Beer-Wine Permit with Native Wine, Outdoor Service and Sunday Sales Privileges for Froggy's Wing Dam Grille Effective May 15, 2012
- C. Approve Renewal of Class C Liquor License Effective May 24, 2012 with Outdoor Service and Sunday Sales Privileges for 2<sup>nd</sup> Street Station
- D. Approve Library Bills and Claims

### **COMPOST LOCATION CONCERNS**

At the previous meeting the Council discussed complaints received about the odor created by composted material. Administrator Herrig, Sanitation Superintendent Warren Crouch and Street Superintendent Chuck Kueter reviewed the current situation and determined that the

only possible land to acquire as a good compost site would be west of town. The Council directed Administrator Herrig to explore land acquisition prices without actually making any commitments.

#### **PARK BENCHES**

Thirty of the new memorial park benches have been delivered and are in the process of being installed. The old benches were offered to the families that paid for them. Park Superintendent Warren Crouch wondered what the Council wanted to do with the other old benches that are being replaced. They are not heavy enough for placement in Felderman Park. The Council agreed to sell the old benches for \$25.00 a piece.

#### **CABLE ISSUES**

Iowa Network Services (INS) hosted a meeting in LaMotte to discuss upgrades to the system that will address Pay-Per-View and Video on Demand.

In the near future Bellevue's Channel lineup will have some substantial changes to accommodate additional high definition channels and to keep in compliance with our programming contracts.

#### **ORDINANCE NO. 383 AMENDING TITLE III, CHAPTER 3, SECTION 24 "PLACEMENT OF STOP SIGNS" TO ADD STOP SIGNS AT THE INTERSECTION OF EDWARD AVENUE AND TWELFTH STREET**

Roth moved with a second by Ernst to introduce and approve the first reading of Ordinance No. 383. Roll call vote carried unanimously.

#### **RESOLUTION NO. 12-12 ADOPTING AND APPROVING TAX COMPLIANCE PROCEDURES RELATING TO TAX EXEMPT BONDS**

Blitgen moved with a second by Feuerbach to approve Resolution No. 12-12. Roll call vote carried unanimously.

#### **RESOLUTION NO. 12-12**

Resolution adopting and approving Tax Compliance Procedures Relating to Tax-Exempt Bonds

WHEREAS, pursuant to the laws of the State of Iowa and Section 103 of the Internal Revenue Code, the City of Bellevue, Iowa (the "City"), acting by and through the authority of its City Council, has issued, and likely will issue in the future, tax exempt municipal bonds, notes or other obligations (the "Tax Exempt Bonds"); and

WHEREAS, the City deems it necessary and desirable to adopt certain procedures and practices to be followed by the City in connection with the issuance of Tax Exempt Bonds; and

WHEREAS, proposed tax compliance procedures are attached hereto as Exhibit A (the "Compliance Procedures");

NOW, THEREFORE, Be It Resolved by the City Council of the City of Bellevue, Iowa, as follows:

Section 1. The Compliance Procedures attached hereto as Exhibit A are hereby adopted and shall be dated as of the date hereof.

Section 2. The City Administrator is hereby authorized and directed to periodically update the Compliance Procedures in accordance with the Internal Revenue Code and supporting Internal Revenue Service Rulings and Regulations, with advice from bond counsel.

Section 3. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Passed and approved May 2, 2012.

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Mayor

Attest:

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City Clerk

**RESOLUTION NO. 13-12 ESTABLISHING EMPLOYEE COMPENSATION FOR FYE 2013**

Ernst moved with a second by Feuerbach to approve Resolution No. 13-12 . Roll call vote carried.

AYES: Councilmembers Blitgen, Lawson, Feuerbach and Ernst

Nays: Councilman Roth

**RESOLUTION NO. 13-12**

**A RESOLUTION ESTABLISHING EMPLOYEE COMPENSATION FOR FYE 2013**

WHEREAS, the City has adopted a plan to provide for adequate compensation of all employees, and

WHEREAS, it is the desire of the City that salaries be adjusted each fiscal year to ensure that compensation is fair,

NOW, THEREFORE, BE IT RESOLVED that the following levels of compensation are hereby established for FYE 2013

Lynn Schwager	\$56,540 per year
Dennis Schroeder	20.39 per hour
Brent Roling	19.03 per hour
Ryan Kloft	19.03 per hour
Kody Sieverding	16.02 per hour, 17.13 on 10-30-12, 18.08 on 4-30-13
Loras Herrig	\$64,774.00 per year
Janet Callaghan	23.41 per hour
Cindy Blake	23.41 per hour
Marie Zeimet	14.59 per hour
Chuck Kueter	22.35 per hour
Kevin Medinger	18.22 per hour
Rick Heiar	18.22 per hour
Warren Crouch	21.23 per hour
Brian Roling	16.10 per hour
Paul Jess	15.65 per hour, 16.76 on 2-5-2013
Roger Heiar	9.87 per hour
Chuck Roling	9.96 per hour
Marian Meyer	17.25 per hour
Sheila Bragg	12.45 per hour
Patricia Jackson	12.45 per hour
Lifeguard (seasonal)	6.20 per our
Headguard (WSI)	7.75 per hour
Headguard (No WSI)	6.85 per hour
Lifeguard (WSI)	7.25 per hour
CPO	10.70 per hour
Pool Manager	9.25 per hour
Museum Guides	7.25 per hour
Part-Time Police Officers	15.00 per hour
Snow Plow Drivers (1 <sup>st</sup> year)	11.00 per hour
Snow Plow Drivers (2 <sup>nd</sup> year)	11.50 per hour

Passed and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2011

\_\_\_\_\_  
City Administrator

\_\_\_\_\_  
Mayor

**RESOLUTION NO. 14-12 TO FIX A DATE FOR A PUBLIC HEARING ON A GENERAL OBLIGATION  
STORM SEWER LOAN AGREEMENT IN A PRINCIPAL AMOUNT NOT TO EXCEED \$450,000**

Lawson moved with a second by Blitgen to approve Resolution No. 14-12. Roll call vote carried unanimously.

RESOLUTION NO. 14-12

Resolution to fix a date for a public hearing on a general obligation storm sewer loan agreement in a principal amount not to exceed \$450,000

WHEREAS, the City of Bellevue (the "City"), in Jackson County, State of Iowa, proposes to enter into a General Obligation Storm Sewer Loan Agreement (the "Loan Agreement") in a principal amount not to exceed \$450,000 pursuant to the provisions of Section 384.24A of the Code of Iowa for the purpose of paying the cost, to that extent, of constructing improvements to the City's storm sewer system, and it is necessary to fix a date of meeting of the City Council at which it is proposed to take action to enter into the Loan Agreement and to give notice thereof as required by such law;

NOW, THEREFORE, Be It Resolved by the City Council of the City of Bellevue, Iowa, as follows:

Section 1. The City Council shall meet on the 16th day of May, 2012, at the Bellevue City Hall, Bellevue, Iowa, at 6:30 o'clock p.m., at which time and place a hearing will be held and proceedings will be instituted and action taken to enter into the Loan Agreement.

Section 2. The City Clerk is hereby directed to give notice of the proposed action on the Loan Agreement setting forth the amount and purpose thereof, the time when and place where the meeting will be held by publication at least once and not less than 4 nor more than 20 days before the meeting, in a legal newspaper which has a general circulation in the City. The notice shall be in substantially the following form:

NOTICE OF PROPOSED ACTION TO INSTITUTE PROCEEDINGS TO  
ENTER INTO A GENERAL OBLIGATION STORM SEWER LOAN  
AGREEMENT IN A PRINCIPAL AMOUNT NOT TO EXCEED \$450,000

(GENERAL OBLIGATION)

The City Council of the City of Bellevue, Iowa, will meet on the 16th day of May, 2012, at the Bellevue City Hall, Bellevue, Iowa, at 6:30 o'clock p.m., for the purpose of instituting proceedings and taking action to enter into a loan agreement (the "Loan Agreement") in a principal amount not to exceed \$450,000 for the purpose of financing construction of improvements to the City's storm sewer system.

The Loan Agreement is proposed to be entered into pursuant to authority contained in Section 384.24A of the Code of Iowa and will constitute a general obligation of the City.

At that time and place, oral or written objections may be filed or made to the proposal to enter into the Loan Agreement. After receiving objections, the City may determine to enter into the Loan Agreement, in which case, the decision will be final unless appealed to the District Court within fifteen (15) days thereafter.

By order of the City Council of the City of Bellevue, Iowa.

Janet Callaghan  
City Clerk

Section 3. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Passed and approved May 2, 2012.

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Mayor

Attest:

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City Clerk

**STORM SEWER PROJECT BIDS**

Bids received on the \$450,000 Storm Sewer Park Project are as follows:

Fidelity Bank and Trust 3.145% for first five years, second five years +2.21% over 5 year treasury constant maturity with an interest rate floor of 3.00%

Bellevue State Bank 2.99% for entire ten years

Feuerbach moved with a second by Blitgen to approve Bellevue State Bank's bid of 2.99% on \$450,000.00 for the Storm Sewer Project. Motion carried unanimously.

**ORDINANCE NO. 384 AMENDING TITLE III COMMUNITY PROTECTION, CHAPTER 1 OFFENSES, SECTION 3-1-4(6)(a) CURFEW FOR MINORS – PENALTIES, OF THE BELLEVUE CODE OF ORDINANCES (2009) CHANGING THE DESIGNATED MANNER FOR SERVICE OF NOTICE**

Roth moved with a second by Ernst to introduce and approve the first reading of Ordinance No. 384. Roll call vote carried unanimously.

**ORDINANCE NO. 385 AMENDING THE CITY OF BELLEVUE CODE OF ORDINANCES TO ADD TITLE VI PHYSICAL ENVIRONMENT, CHAPTER 23 STORM WATER MANAGEMENT UTILITY**

Feuerbach moved with a second by Lawson to introduce and approve the first reading of Ordinance No. 385. Roll call vote carried unanimously.

**BELLEVUE BRAVES BASEBALL DIAMOND PROJECT**

Councilman Roth explained that the Bellevue Braves are constructing a three foot high brick wall behind home plate on the baseball diamond. The Braves are totally funding this project.

**LIBRARY BILLS AND CLAIMS**

The following Library Bills and Claims were paid as authorized:

Baker & Taylor	Library Books	218.31
Big River Magazine	Periodicals	29.00
Book Page	Periodicals	282.00
Dubuque Networking Services	Computer Expense	125.00
Ia. Communications Network	Telephone	11.57
Marshall Cavendish	Library Books	193.94
Midwest Business Products	Computer/Copier Expense	155.99
Petty Cash	Postage/Miscellaneous	106.50
Windstream	Telephone	54.64

**ADJOURNMENT**

As there was no further business to come before the Council it was moved by Blitgen with a second by Lawson to adjourn at 7:52 p.m. Motion carried unanimously.

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City Clerk

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Mayor